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## BERKELEY STUDENT IS HERE ON VACATION

A. W. Heen, a student at the University of California, arrived in this city for his vacation, but will return to Berkeley in the fall to continue his study of architecture. During the past term, which was his third at the university, he received the first prize in special designing. He also took an active part as a member of the university glee club and next year will accompany them on a tour of Europe.

Mr. Heen was a former student at Punahou, later graduating at Heald's business college in San Francisco, after which he was head stenographer in the attorney general's office here. He then chose architecture for his profession, entering the office of H. L. Kerr for a time, later enrolling at the university. During his vacation last year he was employed by the Lord-Young company on Pearl Harbor construction. He is a son of H. A. Heen, the well-known merchant of this city.

# Berger Honored at Commercial Club

(From Saturday's Advertiser.)

Even with such distinguished gentlemen as Vice President Fairbanks, Li Hung Chang and most of the local prominent citizens on its luncheon entertainment list, the Commercial Club never had a much larger crowd than that which yesterday gathered to do honor to Kapellmeister Berger, who is about to leave for a holiday trip to his native land. The surprise of the day to some was that Berger suddenly branched out as a speechmaker, delivering an address which began with a touch of pathos that reached everyone, and continued with mingled humor and sarcasm, in comment upon local politics which greatly delighted the big audience of business men present.

"I am in politics now—I have to be," was one of the captain's remarks that aroused laughter and applause, and when a little later in his address he recalled old world politics as he knew them forty years ago, he got a still more vigorous round. "The politics I was in then was for the good of the whole—this politics is for the good of a few," said the bandmaster, and everybody clapped hands.

George W. Smith, of the merchants' association, made the address by which the merchant bodies and general public of Honolulu expressed their aloha for the man who has led the Hawaiian band since it was organized. Smith was seated at the central table with the guest of the day, and addressed him directly. Others at the table were President G. E. Bush of the Commercial Club, J. F. Hackfeld, German consul; Col. C. P. Iaukea, Fred Macfarlane, E. I. Spalding, W. O. Smith and F. A. Schaefer.

"On the eve of your departure for the Fatherland the citizens of Honolulu desire to testify to the esteem in which you have been and are held," said Mr. Smith. "Hence this gathering here this afternoon, which is at once a greeting and a Godspeed on your journey."

"For forty years, in your official capacity, you have served your adopted country and during that long period you have exemplified three virtues, obedience to those in authority, fidelity to duty and a desire to give pleasure to those around you. In this you have honored the country of your birth and you have honored the country of your adoption."

"Forty years of service. Think what changes are enclosed within that space of time."

"Children's children now listen in place of those who first heard the harmony called forth by your silent command."

"The pomp and circumstance of king and queen have been given added splendor with stirring note from those you led and, to the sound of sacred hymn and solemn dirge you have guided the way to the place of their last long sleep."

"A throne has crashed and from the ruin the young Republic rose ushered in by magic of your music."

"This in turn gave way to the greater Republic whose banner now floats where first you taught the art of melody."

"You have welcomed the coming guest to our shores and sped the parting, filled with fond memories and beautiful picture of our land."

"Could we but with wand of magic summon that great company here to day what array would pass before us Heroes of land and sea, soldier and sailor of every clime, the high, the low, the rich and the poor, all bettered by the sweet notes drawn by you from throat of brass and reed and flute."

"Troubled hearts have been soothed and anxious minds calmed while joy and gladness have been given to all. "One by one those you first taught have dropped from the Tree of Life to be escorted to their last home b, strains they had learned to love."

"Thus have you won your way to the hearts of those around you and when you leave us now you take with you our best wishes, our hearty 'Aloha' with the hope that you may again return to us."

"These be but empty words were they not accompanied by a more substantial gift from those who know you well and I now place in your hands an example of their generosity, with a list of the donors, among whom you will find no name more respected than that of Hawaii's former queen, Liliuokalani."

As he concluded his remarks Mr. Smith handed Captain Berger the community's gift to him for his vacation—a check for \$2000, made up of subscriptions in which all classes of citizens joined.

### Berger's Response.

The applause that followed Mr. Smith's remarks was long continued, and when Berger rose to reply it was with a showing of emotion for which he most neatly apologized. "A musician," he said, when he had recovered his voice, "has to be an emotional man. If he is not such, he can not be a musician. It is a musician's business to touch your hearts."

### The Value of Culture.

"I came here to teach Hawaiian music. The merchants here furnished the funds, and the musical education that has followed is a part of the culture of the community. These are days of commerce, but you must give a moment for culture. Looking back into history, we see that the culture is all that is left in the memory of the human race of the great nations of the past. The commerce of the Phoenicians, Romans and Greeks is forgotten—their culture lives."

"Culture lifts the heart, whether it be poetry, or other literature, or music. I have found much of it in Hawaii."

### In Politics Now.

"I think I have succeeded to some extent," continued Berger, in the musical culture of the people here. In later years I have not done so well as before, because of politics. I had to do politics in order to keep on my work. You can't keep on all the time like now. Hawaii will have to come to the policy of putting in office the best men. I was in three ways when I was a German citizen and was in politics in my old country, but we had politics for the good of the whole, instead of, as



CAPTAIN BERGER.

Who, for forty years, has been leader of the band he created and made famous.

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now, for the good of a few. That's the difference."

A lot of applause followed this remark, and Berger continued with more semipolitical remarks that were several times interrupted by applause. "I said to King Kalakaua once," he remarked, "why do not you get a road master from Germany like you got a bandmaster?" The laughter and applause may have changed the current of Berger's thoughts, for he did not say what the King's answer was. "I wasn't in politics then," continued the bandmaster, "and only wanted to serve everybody. Now I am in politics—I have to be—and I suppose I have to do everybody."

### Music Got the Treaty.

"I remember that when Kalakaua was going to the mainland in 1876, in discussing his trip with him, I asked him where was his national hymn. He must be received in state, and a Hawaiian national hymn was a necessity. We all got together and 'Hawaii Pono' was born. And when he came back, the King said that the hymn had saved the day. 'If it wasn't for Hawaii Pono we wouldn't have got the reciprocity treaty,' said his majesty."

Berger added that the hymn and other Hawaiian music had sold at twenty-five cents a sheet all over the country, but that he had never got any of the money. "I am not a commercial man," he said. "If I was I think

### The Queen's Aloha.

Col. C. P. Iaukea spoke for Queen Liliuokalani. He said he had just left her, and that she had specially requested that he convey her aloha to the departing guest. "There were tears in her eyes when she asked that I wish him bon voyage on his well-earned vacation and rest," said the colonel. "I was directed to convey her most gracious aloha and wishes that he have a pleasant visit and come back well."

A letter from United States Judge Dole was read, expressing regrets that a previous engagement prevented his attending the luncheon, and adding his good wishes for the guest of honor.

## WORLD'S SWIMMING RECORDS COMPARED WITH OUR DUKE'S

### WORLD'S RECORDS.

Swimmer	Time	Distance
Hebner, Chicago (2), 1910	24 2-5 secs.	50 Yards (Tank).
Wickham, Sydney, 1910	23 3-5 secs.	50 Yards (Straightaway).
Daniels, Chicago (3), 1910	54 4-5 secs.	100 Yards (Tank).
Hardwick, Sydney, 1910	57 secs.	100 Yards (Straightaway).
Daniels, Chicago (4), 1906	63 2-5 secs.	110 Yards (Tank).
Hardwick, Sydney, 1908	63 1-5 secs.	110 Yards (Straightaway).

Note.—It will be observed that tank records are faster than straightaway records, due to the fact that the swimmer gains a great deal from added momentum made by pushing off at every turn, therefore, the more turns that are made, the better the record. Tank records vary greatly on this account. The figures in parentheses indicate number of turns made in establishing the above records. Data are not at hand to show number of turns made by Duke in his tank races. The above table is compiled from Spalding's Official Athletic Almanac, 1912.

### DUKE'S RECORDS.

Swimmer	Time	Distance
New York, 1912, 25 secs.	24 2-5 secs.	50 Yards (Tank).
Honolulu, 1911, 24 1-5 secs.	23 3-5 secs.	50 Yards (Straightaway).
Chicago, 1912, 57 secs.	54 4-5 secs.	100 Yards (Tank).
Honolulu, 1911, 55 2-5 secs.	57 secs.	100 Yards (Straightaway).
New York, 1912, 64 secs.	63 2-5 secs.	110 Yards (Tank).
Honolulu, 1911, 63 1-5 secs.	63 1-5 secs.	110 Yards (Straightaway).

Note.—It will be observed that tank records are faster than straightaway records, due to the fact that the swimmer gains a great deal from added momentum made by pushing off at every turn, therefore, the more turns that are made, the better the record. Tank records vary greatly on this account. The figures in parentheses indicate number of turns made in establishing the above records. Data are not at hand to show number of turns made by Duke in his tank races. The above table is compiled from Spalding's Official Athletic Almanac, 1912.

## PATRONIZE HOME PRODUCTS, DECLARE LOCAL BUSINESSMEN

"Patronize home industry" is the tenor of a letter from the merchants' association which will reach the board of supervisors this week, the special feature being the recent call for tenders for supplying the Hawaiian band with new instruments. The bids were opened at the last meeting and all were rejected largely because the call was so loosely drawn that the bids were put in like a mess of eels in a basket. Among the bids were thirteen from mainland makers of instruments.

The merchants' association found that the local music dealers bid on instruments for which they are agents, and yet at the same time bids were received from the makers themselves, this having been done because one of the supervisors insisted upon having the advertisement sent to them. One bid was received from London.

The local music dealers say that they should be given the chance to get the contract, just as much as local auto dealers are given the chance to supply makes of autos to the fire department or to the police department, or as local dealers only are given contracts to supply various materials to the different branches of the government.

The merchants claim that they pay heavy taxes, licenses and a dozen and a half to the government for carrying on business and they believe in such a call for tenders that local bidders should be given the preference.

## STANDARD OIL OF CALIFORNIA WILL INCREASE CAPITAL

SAN FRANCISCO, May 25.—It was announced here last night that the Standard Oil Company of California has decided to call a meeting of the board of directors for July 30. At that meeting the capital of the company will be increased to \$25,000,000. This step is being taken in preparation for the tremendous increase in trade which the directors and management of the company expects will follow the opening of the canal.

### YORKTOWN OUT.

VALLEJO, California, May 24.—The gunboat Yorktown is out of commission.

### GET IT TODAY, IT MAY SAVE A LIFE.

Suppose you should buy today a small bottle of Chamberlain's Colic, Cholera and Diarrhoea Remedy and some member of your family were tomorrow stricken with diarrhoea or cramp colic, would you not feel that the money had been well spent? You cannot afford to be without this valuable medicine, as attacks of that kind come on without warning and should always have immediate attention. This remedy has never failed to give relief. For sale by Benson, Smith & Co., Ltd., agents for Hawaii.

## PLENTY OF PILIKIA OVER CHINESE SUIT

ELEVEN PLAINTIFFS AND NINETEEN DEFENDANTS IN CASE FILED IN CIRCUIT COURT.

(From Saturday's Advertiser.)

Eleven plaintiffs, nineteen defendants and nine garnishees, are involved in a small suit filed yesterday in the circuit court, of which the nominal title is Lam Kim Chin against Chin See Lin. It is for the sum of \$1599.04 alleged to be due the various plaintiffs, as members of the firm of Wing On Tai & Co., from the first named defendant and his eighteen associates as members of the Quong Lin Ching company, on account of a settlement of the business relations of the two firms alleged to have been entered into on May 15, this year.

The list of garnishees is much more imposing than the list of plaintiffs and defendants. There are the Liverpool, London and Globe Insurance Company, the Sun Insurance Company of London, the Firemen's Fund Insurance Company, the North British Mercantile Insurance Company, the Oriental Insurance Company, the Norwich Union Insurance Company, the London and Lancashire Fire Insurance Company, the Queen Insurance Company, and the bank of Bishop & Co., Honolulu. A. S. Humphreys is the attorney who threw out this wide drag net of garnishees, in the effort to get the fifteen hundred dollars which the eleven Wing On Tai men claim is due them from the nineteen Quong Lin Ching Company men.

### Insane or Faking.

Ropoz Freitas was either insane or feigning insanity when he appeared yesterday morning in Judge Robinson's court for arraignment on a charge of brutally assaulting his wife. He interrupted the reading of the indictment with laughter that was audible. Freitas is a Portuguese, who is said to have taken his wife on an excursion into Tantalus and then assaulted her most viciously, tied a rope round her neck, and almost hanged her. The indictment against him was read before him yesterday in court. Freitas laughed loudly as it was read.

Judge Robinson asked him what there was that was funny about the indictment. Freitas said he didn't know, and then laughed some more.

The case went over for plea next Monday. It is the opinion of the prosecution that Freitas is feigning insanity, in order to escape punishment for a peculiarly atrocious assault.

The other cases set for arraignment were all postponed until Monday.

### Lawyers' Compliments.

Attorneys Cathcart and Rawlins exchanged compliments in Judge Robinson's court yesterday morning, over a motion to postpone the case of Chin Fan. Rawlins wanted a postponement on the ground that he had to go to Kauai to try another matter. He remarked that, not being a wealthy man, and not holding a good salary job like the county attorney, he could not afford to miss attending cases in which he was employed, and therefore had to go to Kauai.

Cathcart remarked that if Rawlins didn't hold a good government job, it wasn't on account of lack of effort on his part to obtain one, and after this exchange of courtesies there were signs that the Chin Fan trial will be a very lively one.

### Mahuka Case.

After a lot more cross-examination of B. R. Reidford, real estate expert, by District Attorney Breckons in the federal court yesterday, the case was postponed until Monday morning. Attorney Olson, for the respondents, had a chance at the witness after Breckons got through, and secured from him a statement that he considered his estimates of values very conservative. Reidford said that his estimate of \$17.50 a square foot, for the Cummins and Austins estate property was "ultra-conservative."

### Court Notes.

Judge Whitney yesterday granted divorce in the case of Mary Silva, on the ground of extreme cruelty. Silva had some prominence here several years ago as a pugilist, being known as the "Punchbowl demon."

Judge Whitney yesterday filed a decision in the case of Lawrence H. Dee versus Elizabeth Foster, the decision being in favor of the defendant. The suit was brought in 1900, Dee endeavoring to get possession of certain property which he claimed Foster had fraudulently transferred to his wife. Judge Whitney holds, however, that there is no evidence of intention to defraud.

## TRANSPORT BUFORD BRINGING REFUGEES

MAZATLAN, Mexico, May 25.—The United States army transport Buford arrived here last night with a number of refugees on board. Five of them have the typhoid fever and some are not expected to live. The captain of the transport reports that the Mexicans with whom he has come in contact have been most courteous.

### PRINCESS ABIGAIL COMING.

SAN FRANCISCO, May 25.—Princess Abigail Kawanakakoa, who recently arrived here from London, leaves for Honolulu on the steamship Sierra.

The princess cabled to her sisters Mrs. Walter Macfarlane and Mrs. Robert Shingle, that she intended to leave San Francisco for Honolulu on the Pacific Mail steamship Siberia which is due to sail from the Coast today. The Sierra, or the Sonoma rather, will not sail from San Francisco for this port until next week, Saturday, June 1.

## RAPID TRANSIT WINS THE TRICK

PLAN TO MAKE OWN CRUSHED ROCK FOR ROADS BRINGS OUT LOWER BIDS.

The board of directors of the Rapid Transit and Land Company recently approved a plan to manufacture crushed rock and all other materials to be used in their roadways, in order to offset the high prices submitted to the company by local manufacturers of road material. Hardly had the ink been dry upon the minutes of the company's records, which included a motion to purchase the necessary machinery, than the local makers of road materials requested a conference with the transit people, and asked permission to submit new figures. The new figures, which were very much lower than those first presented, were satisfactory to the company, and the plan to establish a rock crushing plant was abandoned.

This was one of the "burdensome" things of which President L. Tenney Peck of the rapid transit complained in commenting upon the decision of the supreme court in regard to the paving squabble between the rapid transit company and the city authorities.

"I have read the findings," said Mr. Peck yesterday, "and to a layman's mind it does seem burdensome, when Section 847 of the laws of the Territory gives us the right at all times to do all of our own manufacturing, construction and repairing of every kind of appurtenance or appliance required in maintaining the tracks and roadway of the railway, that we should nevertheless be compelled to adopt any paving appliance that a supervisor or a patent right promoter or monopoly could induce the authorities to compel us to use."

"Not long since the price of crushed rock went up. This was brought before our board of directors. We knew what it would cost us to make the crushed rock, and we decided to manufacture the necessary material for maintaining the roadway. Just as soon as the different manufacturers heard of our decision they asked to submit new prices. They were satisfactory and we will not now manufacture the materials we need."

"In the case of this bitulithic, it is a monopoly. If it is used and it has to be repaired we can not make repairs because we are not allowed to, as the material is patented. We have to buy it of the patentee or its agents."

## JUDGE D. W. BURCHARD DIES AFTER SUDDEN COLLAPSE IN COURT

Judge Daniel W. Burchard, recently an attorney of Wailuku, died at his home in Oakland May 17. While pleading a case in the federal court, he suddenly collapsed and was removed to his home, where he expired that evening.

Born in Missouri in 1857, Judge Burchard came to California in his boyhood and settled in Santa Clara county.

Judge Burchard, as he was most familiarly known, was for many years in his early life district attorney of Santa Clara county. In 1900 he moved his offices to San Francisco. Four years later he was a candidate for judge of the superior court, but failed of election. Two years after that he was appointed assistant city attorney under William G. Burke.

After the San Francisco fire Judge Burchard came to the Islands, establishing himself in Wailuku. He remained here until a few months ago, when he returned to resume his practice of law in Oakland.

After establishing himself at Wailuku, he married Miss Nellie Smith, in this city on July 6, 1910. They lived at Wailuku until his return to the Coast a short time ago.

Miss Smith, previous to her marriage figured in the San Francisco graft trials. She was the stenographer who gave important testimony in San Francisco, causing many of the supervisors to be indicted for graft in connection with the telephone franchises.

Three years previous to his marriage to Miss Smith, his first wife, Mrs. Cora Burchard, was divorced from him, the grounds for divorce being the attachment between Judge Burchard and the stenographer. At the time of the marriage, the divorced wife stated that she regretted that she did not shoot the couple. He is survived by both.

His funeral was held from his late home in Oakland.

## CAPTAIN HAYWARD DIES IN EAST

SAN FRANCISCO, May 27.—Word has been received here from New York city of the death of Capt. W. M. Hayward, who for some time has been commander of the Spreckels yacht. Captain Hayward was for many years in the employ of the Oceanic Steamship Company, and was well known in Pacific ports.

### TY COBB, CAUSE OF BASEBALL STRIKE, IS NOW REINSTATED

CHICAGO, May 25.—Ty Cobb, center fielder for the Detroit Americans, suspended for striking a spectator, has been reinstated, with a fine of \$50.

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